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OFFICE OF PETITIONS

In re Application of :
Borer et al. :
Application No. 10/049,549 :
Filed: 17 May, 2002 :
Atty Dkt No. GK-BUE-103/500647.2004 :

ON PETITION

This is a decision on the petition filed on 4 February, 2004, and styled under 37 CFR 1.182, which is treated as a petition, to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on 13 June, 2003, for failure to timely respond to the non-final Office action mailed on 12 March, 2003, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 5 December, 2003.

Petitioners asserts that an amendment and a three (3) month extension of time were timely filed on 12 September, 2003. In support of the petition, petitioners have submitted a copy of the amendment and extension of time and a postcard itemizing the filing of such bearing an "Office date" stamp of 12 September, 2003.

A review of the documents submitted reveals that the amendment and extension of time request filed in response to the Office action mailed on 12 March, 2003 miscaptions the application number as 10/048,549. Under current Office procedure, a response that has an incorrect serial number is handled in accordance with MPEP 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct

application and was timely received at the PTO, the holding of abandonment will be withdrawn.

The joint inventors' last names, title of invention, filing date, attorney docket number, examiner's name, and Art Unit are correctly stated on the amendment and extension of time. In reviewing the papers which were submitted, it is therefore concluded that there was sufficient information thereon to associate the papers with the instant file. Additionally, the originally filed amendment and extension of time, bearing an "Office-date" stamp of 12 September, 2003, have now been placed in the present application file. It is therefore concluded that the amendment and extension of time were in received in the Office.

The petition complies with the requires set forth in 37 CFR 1.8(b).

Accordingly, the holding of abandonment is withdrawn. The petition fee of \$130.00 and extension of time fee of \$950.00 submitted with the present petition, will be credited to counsel's deposit account, No. 50-1529. Additionally, the extension of time fee paid with the papers filed on 12 September, 2003, will be credited to the proper application number.

This application is being forwarded to Technology Center 1700 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.



Douglas I. Wood
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Office of Petitions